

ADVERSARY PROCEEDING COVER SHEET (Instructions on Reverse)		ADVERSARY PROCEEDING NUMBER (Court Use Only)
PLAINTIFFS	DEFENDANTS	
ATTORNEYS (Firm Name, Address, and Telephone No.)	ATTORNEYS (If Known)	
PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	PARTY (Check One Box Only) <input type="checkbox"/> Debtor <input type="checkbox"/> U.S. Trustee/Bankruptcy Admin <input type="checkbox"/> Creditor <input type="checkbox"/> Other <input type="checkbox"/> Trustee	
CAUSE OF ACTION (WRITE A BRIEF STATEMENT OF CAUSE OF ACTION, INCLUDING ALL U.S. STATUTES INVOLVED)		
NATURE OF SUIT (Number up to five (5) boxes starting with lead cause of action as 1, first alternative cause as 2, second alternative cause as 3, etc.)		
<div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <p>FRBP 7001(1) – Recovery of Money/Property</p> <input type="checkbox"/> 11-Recovery of money/property - §542 turnover of property <input type="checkbox"/> 12-Recovery of money/property - §547 preference <input type="checkbox"/> 13-Recovery of money/property - §548 fraudulent transfer <input type="checkbox"/> 14-Recovery of money/property - other </div> <div style="width: 48%;"> <p>FRBP 7001(6) – Dischargeability (continued)</p> <input type="checkbox"/> 61-Dischargeability - §523(a)(5), domestic support <input type="checkbox"/> 68-Dischargeability - §523(a)(6), willful and malicious injury <input type="checkbox"/> 63-Dischargeability - §523(a)(8), student loan <input type="checkbox"/> 64-Dischargeability - §523(a)(15), divorce or separation obligation (other than domestic support) <input type="checkbox"/> 65-Dischargeability - other </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 48%;"> <p>FRBP 7001(2) – Validity, Priority or Extent of Lien</p> <input type="checkbox"/> 21-Validity, priority or extent of lien or other interest in property</div> <div style="width: 48%;"> <p>FRBP 7001(7) – Injunctive Relief</p> <input type="checkbox"/> 71-Injunctive relief – imposition of stay <input type="checkbox"/> 72-Injunctive relief – other </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 48%;"> <p>FRBP 7001(3) – Approval of Sale of Property</p> <input type="checkbox"/> 31-Approval of sale of property of estate and of a co-owner - §363(h)</div> <div style="width: 48%;"> <p>FRBP 7001(8) Subordination of Claim or Interest</p> <input type="checkbox"/> 81-Subordination of claim or interest </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 48%;"> <p>FRBP 7001(4) – Objection/Revocation of Discharge</p> <input type="checkbox"/> 41-Objection / revocation of discharge - §727(c),(d),(e)</div> <div style="width: 48%;"> <p>FRBP 7001(9) Declaratory Judgment</p> <input type="checkbox"/> 91-Declaratory judgment </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 48%;"> <p>FRBP 7001(5) – Revocation of Confirmation</p> <input type="checkbox"/> 51-Revocation of confirmation</div> <div style="width: 48%;"> <p>FRBP 7001(10) Determination of Removed Action</p> <input type="checkbox"/> 01-Determination of removed claim or cause </div> </div> <div style="display: flex; justify-content: space-between; margin-top: 10px;"> <div style="width: 48%;"> <p>FRBP 7001(6) – Dischargeability</p> <input type="checkbox"/> 66-Dischargeability - §523(a)(1),(14),(14A) priority tax claims <input type="checkbox"/> 62-Dischargeability - §523(a)(2), false pretenses, false representation, actual fraud <input type="checkbox"/> 67-Dischargeability - §523(a)(4), fraud as fiduciary, embezzlement, larceny <p style="text-align: center;">(continued next column)</p> </div> <div style="width: 48%;"> <p>Other</p> <input type="checkbox"/> SS-SIPA Case – 15 U.S.C. §§78aaa <i>et seq.</i> <input type="checkbox"/> 02-Other (e.g. other actions that would have been brought in state court if unrelated to bankruptcy case) </div> </div>		
<input type="checkbox"/> Check if this case involves a substantive issue of state law <input type="checkbox"/> Check if a jury trial is demanded in complaint	<input type="checkbox"/> Check if this is asserted to be a class action under FRCP 23 Demand \$	
Other Relief Sought		

BANKRUPTCY CASE IN WHICH THIS ADVERSARY PROCEEDING ARISES		
NAME OF DEBTOR		BANKRUPTCY CASE NO.
DISTRICT IN WHICH CASE IS PENDING	DIVISION OFFICE	NAME OF JUDGE
RELATED ADVERSARY PROCEEDING (IF ANY)		
PLAINTIFF	DEFENDANT	ADVERSARY PROCEEDING NO.
DISTRICT IN WHICH ADVERSARY IS PENDING	DIVISION OFFICE	NAME OF JUDGE
SIGNATURE OF ATTORNEY (OR PLAINTIFF)		
DATE		PRINT NAME OF ATTORNEY (OR PLAINTIFF)

INSTRUCTIONS

The filing of a bankruptcy case creates an "estate" under the jurisdiction of the bankruptcy court which consists of all of the property of the debtor, wherever that property is located. Because the bankruptcy estate is so extensive and the jurisdiction of the court so broad, there may be lawsuits over the property or property rights of the estate. There also may be lawsuits concerning the debtor's discharge. If such a lawsuit is filed in a bankruptcy court, it is called an adversary proceeding.

A party filing an adversary proceeding must also must complete and file Form 104, the Adversary Proceeding Cover Sheet, unless the party files the adversary proceeding electronically through the court's Case Management/Electronic Case Filing system (CM/ECF). (CM/ECF captures the information on Form 104 as part of the filing process.) When completed, the cover sheet summarizes basic information on the adversary proceeding. The clerk of court needs the information to process the adversary proceeding and prepare required statistical reports on court activity.

The cover sheet and the information contained on it do not replace or supplement the filing and service of pleadings or other papers as required by law, the Bankruptcy Rules, or the local rules of court. The cover sheet, which is largely self-explanatory, must be completed by the plaintiff's attorney (or by the plaintiff if the plaintiff is not represented by an attorney). A separate cover sheet must be submitted to the clerk for each complaint filed.

Plaintiffs and Defendants. Give the names of the plaintiffs and defendants exactly as they appear on the complaint.

Attorneys. Give the names and addresses of the attorneys, if known.

Party. Check the most appropriate box in the first column for the plaintiffs and the second column for the defendants.

Demand. Enter the dollar amount being demanded in the complaint.

Signature. This cover sheet must be signed by the attorney of record in the box on the second page of the form. If the plaintiff is represented by a law firm, a member of the firm must sign. If the plaintiff is pro se, that is, not represented by an attorney, the plaintiff must sign.

**IN THE UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF OHIO
WESTERN DIVISION**

In Re: Sherlon Jones

Case No. 16-32174

Adversary Case No.

Debtor.

Chapter 7
Judge Whipple

Sherlon Jones
5427 Glenridge Dr.
Toledo, Ohio, 43614

**COMPLAINT TO RECOVER
FUNDS; 11 USC §362**

Plaintiff

Benjamin A. Randall (0072436)
448 W. Woodruff Ave.
Toledo, Ohio 43604
419-243-5308 ph.
benjrandall@gmail.com

-vs-

Credit Adjustments, Inc.
330 Florence
Defiance, Ohio 43512

Also Serve:
David Cole, Agent
1 Seagate
Suite 1645
Toledo, Ohio 43604

Defendant.

Plaintiff, Sherlon Jones, by and through counsel, Benjamin A. Randall, complaining of the Defendant, alleges:

1. This Court has original jurisdiction over this proceeding under 11 USC §362. This is a core proceeding.
2. Plaintiff is a debtor in the related Chapter 7 case filed with this Court on July 7, 2016; Case Number 16-32174. Defendant Credit Adjustments, Inc. is a creditor of the Plaintiff.
3. This is an adversary proceeding to to recover funds garnished from Plaintiff's wages post-petition in violation of 11 USC 362.
4. On November 11, 2015 Defendant obtained judgment against Plaintiff for \$2,745.77 plus costs and interest in Toledo Municipal Court, case number 15-12370.
5. Defendant initiated a wage garnishment against the Plaintiff on or about January 4, 2016.
6. Defendant was served with notice of Plaintiff's bankruptcy filing at 330 Florence St., Defiance, Ohio 43512, their business address as reported to the credit reporting agencies.
7. Defendant has continued to garnish Plaintiff's wages since receiving notice of the bankruptcy filing.
8. Continuation of the garnishment is a violation of 11 USC 362(a).
9. Pursuant to 11 USC 362(k), Plaintiff is entitled to recover actual damages, including costs and attorney's fees, and punitive damages.

WHEREFORE, in view of the above, Debtor respectfully requests an Order directing Defendant, Credit Adjustments, Inc., to return all of the funds garnished post-petition, for costs and attorney's fees of \$2000 and for punitive damages of \$5000.

Respectfully Submitted,

/s/Benjamin A. Randall (0072436)
Attorney for Plaintiff

<div>Clerk of Court</div> <div>Toledo Municipal Court 555 North Erie Street Toledo, OH 43624</div> <div>Civil Branch (419) 245-1927</div>

Case Number: CVF-15-12370

Party Details

PLAINTIFF CREDIT ADJUSTMENTS INC Attorney: DAVID COLE
DEFENDANT SHERLON JONES Attorney:
RESPONDENT AOA PRODUCTS Attorney:

Disbursement Details

Date	Disbursement Type	Check Number	Amount
02/11/2016	Money Judgment DAVID A COLE	192102	\$151.61
02/25/2016	Money Judgment DAVID A COLE	192265	\$151.11
03/10/2016	Money Judgment DAVID A COLE	192439	\$167.44
03/28/2016	Money Judgment DAVID A COLE	192622	\$121.76
04/12/2016	Money Judgment DAVID A COLE	192800	\$172.89
04/26/2016	Money Judgment DAVID A COLE	192959	\$155.16
04/26/2016	Money Judgment DAVID A COLE	192959	\$151.07
05/26/2016	Money Judgment DAVID A COLE	193280	\$157.18
06/13/2016	Money Judgment DAVID A COLE	193428	\$145.70
06/27/2016	Money Judgment DAVID A COLE	193594	\$33.24
07/13/2016	Money Judgment DAVID A COLE	193765	\$74.29
08/11/2016	Money Judgment DAVID A COLE	194092	\$135.58
08/25/2016	Money Judgment DAVID A COLE	194255	\$98.29

Journal Details

<u>Date</u>	<u>Activity Record</u>
08/14/2015	Complaint filed against defendant(s) SHERLON JONES to recover \$2,745.77 due ON ACCOUNT with interest at 3.00%. MILITARY AFFIDAVIT FILED. Clerk entry
08/24/2015	Summons issued with a copy of the complaint by certified mail to defendant, SHERLON JONES at 5001 SOUTH AVE LOT 244 TOLEDO, OH 43615-0000 with Tracking Number: 7196 9003 2420 0268 7765. Clerk entry
09/16/2015	As To SHERLON JONES, sent to: 5001 SOUTH AVE LOT 244 TOLEDO, OH 43615 Certified Mail service Return Receipt Signed. See Green Card. Clerk entry
10/23/2015	As to SHERLON JONES, MOTION FOR DEFAULT JUDGMENT FILED. JUDGMENT ENTRY TENDERED. Clerk entry
10/23/2015	As to SHERLON JONES, affidavit filed. Clerk entry
11/11/2015	As to SHERLON JONES, MOTION DEFAULT JUDGMENT GRANTED. SEE JUDGMENT ENTRY. JUDGE CONNELLY JR
11/18/2015	As to SHERLON JONES, Motion for default judgment granted. Judgment Entry Filed. JUDGE CONNELLY JR
11/18/2015	As to SHERLON JONES, the clerk is hereby directed to serve all parties NOT IN DEFAULT IN THE JUDGMENT ENTRY, notice of the judgment and it's date of entry on the journal. JUDGE CONNELLY JR
11/18/2015	FINAL AND APPEALABLE NOTICE forms printed and forwarded for service by ordinary mail to: DAVID A COLE, 1 SEAGATE SUITE 1645, TOLEDO, OH 43604, Printed on 11/18/2015 10:48 by user PIETROWSKI,LORRAINE on station 104. Clerk entry
12/16/2015	As to SHERLON JONES, aid of Execution filed naming respondent AOA PRODUCTS 3711 KING RD TOLEDO, OH 43617 ISSUED BY CERTIFIED MAIL, RETURN RECEIPT REQUESTED. Clerk entry
12/21/2015	As to SHERLON JONES, Personal identifiers form filed. Clerk entry
01/04/2016	As To SHERLON JONES, WAGE GARN sent to: AOA PRODUCTS 3711 KING RD TOLEDO, OH 43617 Certified Mail service Return Receipt Signed. See Green Card. Clerk entry
01/20/2016	As to SHERLON JONES, \$151.61 received in court from AOA PRODUCTS and applied to Judgment. Clerk entry
02/08/2016	As to SHERLON JONES, \$151.11 received in court from AOA PRODUCTS and applied to Judgment. Clerk entry
02/23/2016	As to SHERLON JONES, \$167.44 received in court from AOA PRODUCTS and applied to Judgment. Clerk entry
03/04/2016	Garnishment payment of \$121.76 received from AOA PRODUCTS for Judgment Debtor SHERLON JONES Clerk entry
03/18/2016	Garnishment payment of \$172.89 received from AOA PRODUCTS for Judgment Debtor SHERLON JONES Clerk entry
04/01/2016	Garnishment payment of \$151.07 received from AOA PRODUCTS for Judgment Debtor SHERLON JONES Clerk entry
04/15/2016	Garnishment payment of \$155.16 received from AOA PRODUCTS for Judgment Debtor SHERLON JONES Clerk entry
05/02/2016	Garnishment payment of \$157.18 received from AOA PRODUCTS for Judgment Debtor SHERLON JONES Clerk entry
05/31/2016	Garnishment payment of \$145.70 received from AOA PRODUCTS for Judgment Debtor SHERLON JONES Clerk entry
06/14/2016	Garnishment payment of \$33.24 received from AOA PRODUCTS for Judgment Debtor SHERLON JONES Clerk entry
06/23/2016	Garnishment payment of \$74.29 received from AOA PRODUCTS for Judgment Debtor SHERLON JONES Clerk entry
07/25/2016	Garnishment payment of \$135.58 received from AOA PRODUCTS for Judgment Debtor SHERLON JONES \$135.58 applied to judgment. Clerk entry
08/05/2016	Garnishment payment of \$98.29 received from AOA PRODUCTS for Judgment Debtor SHERLON JONES \$98.29 applied to judgment. Clerk entry
08/18/2016	Garnishment payment of \$124.52 received from AOA PRODUCTS for Judgment Debtor SHERLON JONES \$124.52 applied to judgment. Clerk entry
09/02/2016	Garnishment payment of \$121.11 received from AOA PRODUCTS for Judgment Debtor SHERLON JONES \$121.11 applied to judgment. Clerk entry

Suit Amount

Suit Amount: \$2,745.77

Total Court Costs: \$158.00